

**Remarks:**

The above amendments and these remarks are responsive to the Office action dated January 21, 2004. Prior to amendment, claims 1-33 remained pending in the application, all of which were in original form.

Applicants initially note, with appreciation, that the Examiner has indicated that the arguments set forth in applicants' October 14, 2003 Response to Office Action have been found persuasive, and thus has withdrawn the earlier rejection.

In the present Office action, however, the Examiner has rejected claims 1-9 and 13-16 under 35 U.S.C. §102(b) as being anticipated by Cheng et al. (U.S. Patent No. 6,151,643). The Examiner has rejected claims 10-12, 21-23, 25 and 27-33 under 35 U.S.C. §103(a) as being unpatentable over Cheng et al. (U.S. Patent No. 6,151,643) in view of Perlman et al. (U.S. Patent No. 6,023,585). Claims 17-20 are indicated as rejected in the Office Action Summary, but no particular rejection is made. Claims 24 and 26 were objected to as being dependent upon a rejected base claim, but the Examiner has indicated that such claims would be allowable if rewritten in independent form.

By this amendment, claims 21-23 and 25 have been cancelled, without prejudice, and claims 1-13, 18-20, 24, 26, 27, 29-31 and 33 have been amended, leaving claims 1-20, 24 and 26-33 pending.

In view of the amendments above, and the remarks below, applicants respectfully request reconsideration of the application under 37 C.F.R. §1.111 and allowance of the pending claims.

### **Claims 21-33**

As noted above, the Examiner has acknowledged allowability of claim 24 if rewritten in independent form to include all of the features of the base claim and any intervening claims. Applicants have amended claim 24 to place claim 24 in independent form, incorporating the subject matter of claims 21-23 (from which claim 24 depends). Claims 29-33 depend from claim 24, and are understood to be in allowable for at least the same reasons as claim 24. Claims 24 and 29-33 thus are understood to all be in allowable form.

The Examiner also has acknowledged allowability of claim 26 if rewritten in independent form to include all of the features of the base claim and any intervening claims. Applicants have amended claim 26 to place claim 26 in independent form, incorporating the subject matter of claims 21, 22 and 25 (from which claim 26 depends). Claims 27 and 28 depend from claim 26, and are understood to be in allowable for at least the same reasons as claim 26. Claims 26-28 thus are understood to all be in allowable form.

Claims 21-23 and 25 have been cancelled without prejudice.

### **Rejections under 35 U.S.C. §102**

Claims 1-9 and 13-16 stand rejected under 35 U.S.C. §102(b) based on Cheng et al. (U.S. Patent No. 6,151,643). Cheng et al. discloses a method of providing a client computer with access to software updates.

More particularly, Cheng et al. discloses a "service provider" downloading a "scanning application" (also referred to as a "client application") onto a client computer so that the client computer may determine which software applications are stored thereon (See Abstract). Thereafter, upon request by the user (after the user

logs in to the service provider), the client application (in consultation with the service provider computer) identifies which of those software applications have available updates (col. 7, lines 54-61). The user then selects which updates he/she wishes to purchase/install and communicates those selections to the service provider (col. 8, lines 21-31). The service provider then provides URL data for the “software vendor computer” (i.e. the manufacturer) to the client application, and the client application downloads the software update (upon the user confirming his/her desire to do so) from the “software vendor computer” (col. 8, lines 32-43).

Claim 1 recites a computer-implemented method of enabling a user of a processor system to purchase consumable products for use with a peripheral device of the processor system, where the peripheral device may be any one of plural types. More particularly, as amended, claim 1 recites a method comprising:

- determining the particular type of the peripheral device without input from the user;
- informing a remote server system via a communications network of the particular type of peripheral device; and
- identifying vendors offering to sell consumable products compatible for use with the particular type of peripheral device.

Cheng et al. does not disclose determining a particular type of peripheral device of a processor system, does not disclose informing a remote server system of the particular type of peripheral device (or of any component of the processor system), and does not disclose identifying vendors offering to sell consumable products for use with the particular type of peripheral device. The rejection of claim 1 under 35 U.S.C. §102(b) thus must be withdrawn.

Furthermore, although the Examiner appears to take the position that “determining the particular type of component” (as originally claimed) is analogous to the determination of installed software described by Cheng et al., it should be apparent that software is not properly considered a “component” of a processor system as claimed. If anything, the software is a product which is to be modified or replaced. There is no need for an indication of the particular type of software in order to determine a product for use with the software because the software is itself modified or replaced.

Nevertheless, in the interest of furthering prosecution, applicants have amended claim 1 to recite determining the particular type of peripheral device.” Cheng et al. specifies the existence of a Registry designed to maintain indicia of installed software products. This Registry serves as the basis for Cheng et al. determining which software is installed, but would not identify peripheral devices used in conjunction with a processor system.

It also will be appreciated that Cheng et al. expressly avoids informing a remote server of the particular software (or type of component or type of peripheral device) by configuring the “client application” to determine if there is an applicable update for the software product (col. 7, lines 54-61). Since the client computer of Cheng et al. is aware of the installed software product (from the Registry), and since the service provider computer provides the client computer with a list of available updates, there is no need to inform the remote server of the type of software. In fact, as set forth in applicants’ October 14, 2003 Response to Office Action (which successfully distinguished “Oil Change Online” – a reference which is believed to have described the Cheng et al. method), all information about the user’s PC

remains strictly within the user's system, and is never exposed or sent to any remote server via the Internet.

Finally, Cheng et al. in no way specifies identifying "vendors offering to sell consumable products" as now claimed. Cheng et al. does nothing more than specify the software maker from which software updates are available. There is no disclosure of any identification of vendors, such as those which commonly sell consumables. In fact, there is no discussion of the purchase of any consumables (which otherwise would be purchased with no direct information about the consumable – but rather only indirect information about a peripheral device). Cheng et al. discloses nothing more than provide URL addresses of software makers identified by the user upon selecting software to be updated.

Claims 2-9 depend from claim 1, and thus are distinguishable for at least the same reasons as claim 1. Additionally, it is noted that claim 2 recites determining, informing and identifying being performed in response to a single action by the user. In Cheng et al., the user first requests that the "client application" identify the software applications that have available updates, and then selects which of such updates he/she wishes to receive, before the software vendor (i.e. manufacturer) is identified to the user. Claim 3 recites displaying a "list of identified vendors" (in contrast to the single software vendor/manufacturer described by Cheng et al.). Claim 7 recites identifying which of plural consumable products are compatible for use with the particular type of peripheral device (in contrast to the single software update described by Cheng et al.). Claim 9 recites informing a second remote server (associated with at least one of the remote vendors) of one or more of the compatible consumable products (in contrast to Cheng et al. which

makes no such communication). The rejection of claims 2-9 under 35 U.S.C. §102(b) thus must be withdrawn.

Claim 13 recites a system configured to enable a user of a processor system to locate a vendor selling consumable products for use with a printer of the processor system, where the printer may be any one of plural types, the system comprising:

software executable by the processor system to determine a particular type of the printer without input from the user, and to transmit a purchase request specifying the particular type of the printer via a communications network;

a server system configured to receive the purchase request from the processor system via the communications network, and to identify vendors offering to sell consumable products compatible for use with the particular type of printer.

Cheng et al. fails to disclose software executable by the processor system to determine a particular type of the printer without input from the user, and fails to disclose software executable by the processor system to transmit a purchase request specifying the particular type of the printer via a communications network. In fact, as noted above, Cheng et al. specifies determining which software applications have available updates in response to a user request. Once such available updates are identified, the user must indicate which software applications to provide software vendor information for. Cheng et al. makes no determinations with respect to a printer, and only makes determinations relating to software updates in response to user input.

Cheng et al. also fails to disclose a server system configured to identify vendors offering to sell consumable products compatible for use with the particular

type of printer. As noted above, Cheng et al. does nothing more than specify the software maker from which software updates are available. There is no disclosure of any identification of vendors, such as those which commonly sell consumable products. In fact, there is no discussion of selling any consumable products compatible for use with a particular type of printer. The rejection of claim 13 under 35 U.S.C. §102(b) thus must be withdrawn.

Claims 14-16 depend from claim 13, and thus are distinguishable from Cheng et al. for at least the same reasons as claim 13.

### **Rejections under 35 U.S.C. §103**

Claims 10-12, 21-32, 25 and 27-33 stand rejected under 35 U.S.C. §103(a) based on Cheng et al. (U.S. Patent No. 6,151,643) in view of Perlman et al. (U.S. Patent No. 6,023,585). Cheng et al. discloses a method of providing a client computer with access to software updates. Perlman et al. discloses downloading software (device drivers) to a client system having plural peripheral devices.

The Examiner cites Perlman et al. as teaching the identification of a peripheral device, and transmission of identifying information to a server over a network. However, applicants note that such transmission of information is in direct conflict with the Cheng et al., which seeks to avoid communication of PC information by employing a client application to identify the software update. Perlman et al. thus is not properly combined with Cheng et al.

Furthermore, even if the combination were proper, the application of Perlman et al. to Cheng et al. would be insufficient to disclose identification of vendors offering to sell consumable products compatible for use with the particular peripheral device. Cheng et al. does not disclose vendors to the user, but rather provides a

URL address of a software maker selected by the user. Perlman et al. does not identify vendors, but rather simply provides the software download (an action wholly inconsistent with identification of another). Neither Cheng et al. nor Perlman et al. disclose sale of consumable products based on identified peripheral device type.

In any event, it is noted that claims 10-12 depend from claim 1, and thus are distinguishable from claim 1 for at least the same reasons set forth above with respect to claim 1. Claims 21-23 have been cancelled without prejudice, rendering the Examiner's rejection of these claims moot. Claims 27-28 now depend from claim 26, which was previously indicated to include allowable subject matter, and thus are believed to be allowable for at least the same reasons as claim 26. Claims 29-33 now depend from claim 24, which was previously indicated to include allowable subject matter, and thus are believed to be allowable for at least the same reasons as claim 24.

#### **Claims 17-20**

As noted above, claims 17-20 were indicated as rejected in the Office Action Summary, but no specific indication of the basis for the rejection was given. Accordingly, applicants are unable to respond substantively, other than to indicate that the claims are believed to be in allowable form. If a rejection of such claims follows in a subsequent Office action, applicants request that any such rejection not be made final, and that they be given an opportunity to respond.

#### **Conclusion**

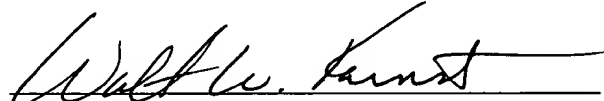
Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims.



If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

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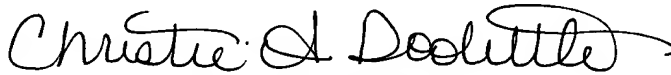
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on April 21, 2004.



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